

**2013 DRAFTING REQUEST**

**Bill**

Received: **1/11/2013** Received By: **pkahler**  
Wanted: **As time permits** Same as LRB:  
For: **Administration-Budget 6-2288** By/Representing: **Major**  
May Contact: Drafter: **pkahler**  
Subject: **Public Assistance - Wis shares** Addl. Drafters:  
Extra Copies:

Submit via email: **YES**  
Requester's email:  
Carbon copy (CC) to: **Fern.Knepp@legis.wisconsin.gov**

---

**Pre Topic:**

DOA:.....Major, BB0367 -

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**Topic:**

Allow subsidy payments for out-of-state providers

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**Instructions:**

See attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 1/14/2013	csicilia 1/14/2013	phenry 1/14/2013	_____			
/P1	pkahler 1/18/2013			_____	mbarman 1/14/2013		State
/1	pkahler 1/29/2013	csicilia 1/18/2013	jfrantze 1/18/2013	_____	mbarman 1/18/2013		State
/2	pkahler	csicilia	phenry	_____	mbarman		State

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	2/6/2013	1/30/2013	1/30/2013	_____	1/30/2013		
/3	pkahler 2/13/2013	csicilia 2/6/2013	phenry 2/6/2013	_____	sbasford 2/6/2013		State
/4		wjackson 2/13/2013	rschluet 2/13/2013	_____	lparisi 2/13/2013		State

FE Sent For:

<END>

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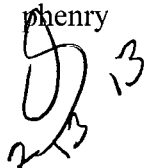
### Instructions:

See attached

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/2	pkahler	csicilia	phenry	_____	mbarman		State



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14WJ2/13

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/1	pkahler 1/29/2013	csicilia 1/18/2013	jfrantze 1/18/2013	_____	mbarman 1/18/2013		State
/2		csicilia	phenry	_____	mbarman		State

Vers. Drafted

Reviewed  
1/30/2013

Typed  
1/30/2013

Proofed  
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Submitted  
1/30/2013

Jacketed

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FE Sent For:

1/30/2013 2:16  
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/1		csicilia 1/18/2013	jfrantze 1/18/2013	_____	mbarman 1/18/2013		State

1/2 jgs 1/30  
1/3

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**Topic:**

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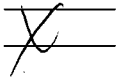
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/?	pkahler						

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Hanaman, Cathlene  
**Sent:** Friday, January 11, 2013 2:39 PM  
**To:** Kahler, Pam  
**Subject:** FW: Statutory Language Drafting Request - BB0367

**From:** [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov) [<mailto:katrina.major@wisconsin.gov>]  
**Sent:** Friday, January 11, 2013 2:36 PM  
**To:** Hanaman, Cathlene  
**Cc:** Kraus, Jennifer - DOA; Major, Katrina L - DOA; Thornton, Scott - DOA  
**Subject:** Statutory Language Drafting Request - BB0367

**Biennial Budget:** 2013-15

**DOA Tracking Code:** BB0367

**Topic:** Shares out-of-state providers

**SBO Team:** GGCF

**SBO Analyst:** Major, Katrina L - DOA  
**Phone:** 608-266-2288  
**E-mail:** [katrina.major@wisconsin.gov](mailto:katrina.major@wisconsin.gov)

**Agency Acronym:** DCF

**Agency Number:** 437

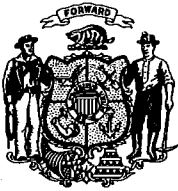
**Priority:** Medium

**Intent:**

Allow Wisconsin Shares subsidy payments to participants using out of state providers. Specify that the subsidy amounts shall be set by DCF based on the provider's quality rating in their home state.

**Attachments:** False

*Please send completed drafts to [statlanguage@wisapps.wi.gov](mailto:statlanguage@wisapps.wi.gov)*



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1124/

PJK:.....

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DOA:.....Major, BB0367 - Allow subsidy payments for out-of-state providers

**FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION**

(S 1-14)

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AN ACT relating to: the budget.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program. This child care subsidy program is known as Wisconsin Shares. Under current law, a provider that may be paid a subsidy for child care provided under Wisconsin Shares must be licensed or certified by DCF or a child care program established or contracted for by a school board in this state. Counties set the maximum rates at which child care providers who provide services under Wisconsin Shares are reimbursed for their services, subject to review, approval, and modification by DCF. DCF may modify a child care provider's rate on the basis of the provider's quality rating.

This bill provides that an individual who is eligible for a child care subsidy under Wisconsin Shares may use the subsidy for child care that is provided by an out-of-state provider. Under the bill, DCF sets the amount of the subsidy for the care provided by the out-of-state provider on the basis of the provider's quality rating in the provider's home state.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 48.651 (1) (intro.) of the statutes is amended to read:

2       48.651 (1) (intro.) No Except as provided in s. 49.155 (4) (c), no person, other  
3       than a child care center licensed under s. 48.65 or established or contracted for under  
4       s. 120.13 (14), may receive reimbursement for providing child care services for an  
5       individual who is determined eligible for a child care subsidy under s. 49.155 unless  
6       the person is certified, according to the standards adopted by the department under  
7       s. 49.155 (1d), by the department in a county having a population of 500,000 or more,  
8       a county department, or an agency with which the department contracts under sub.  
9       (2). To be certified under this section, a person must meet the minimum  
10      requirements for certification established by the department under s. 49.155 (1d),  
11      meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2).  
12      The department in a county having a population of 500,000 or more, a county  
13      department, or an agency contracted with under sub. (2) shall certify the following  
14      categories of child care providers:

History: 1983 a. 193; 1985 a. 176; 1995 a. 289, 404; 1997 a. 27, 35, 252; 1999 a. 9; 2001 a. 16; 2007 a. 20 ss. 1332 to 1335, 9121 (6) (a); 2009 a. 28, 76, 185; 2011 a. 258.

15      **SECTION 2.** 49.155 (4) (c) of the statutes is created to read:

16      49.155 (4) (c) Notwithstanding par. (a), an eligible individual may receive a ✓  
17      child care subsidy under this section for child care that is provided by an out-of-state  
18      provider of child care. Notwithstanding sub. (6), the department shall set the ✓  
19      amount of a child care subsidy under this paragraph on the basis of the provider's  
20      quality rating in the provider's home state.

\*\*\*\*NOTE: Notice that an out-of-state child care provider would not come under the definition of "child care provider" in s. 49.155 (1) (ag). Therefore, none of the provisions

in s. 49.155 that specifically apply to a "child care provider" would apply to an out-of-state provider, including the requirements under sub. (6m) or the penalties under sub. (7). Is this okay or do you want to address this in some way?

(END)

1

27m

## Kahler, Pam

---

**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Thursday, January 17, 2013 5:33 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** RE: Allow subsidy payments for out-of-state providers

Hi Pam, could you maybe expand the 49.155(4)(c) section that you created to say kind of broadly that out-of-state providers must comply with provisions applicable to in-state providers and/or other applicable rules as determined by the department. That way DCF could still make them comply with things like the penalty provision, but they wouldn't be automatically rolled into the other provisions that don't apply to them. It seems like if we try to differentiate each time child care provider is mentioned it will get hard to read. Do you think that would work? Thanks

---

**From:** Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]  
**Sent:** Wednesday, January 16, 2013 3:18 PM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: Allow subsidy payments for out-of-state providers

Katie:

What I would have to do is search for "child care provider" in each subsection to see if it could apply, but I'm not sure how much you want to apply to an out-of-state provider. And then I'd need some specifics on how to describe such a provider – would it be one that is licensed, or certified, or registered, or something else in another state?

---

**From:** Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]  
**Sent:** Wednesday, January 16, 2013 3:04 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** FW: Allow subsidy payments for out-of-state providers

Hi Pam,

In response to your note that the child care provider provisions do not apply: can you make it so all the provisions apply to them except the Youngstar rate modifications? So maybe add them in to the definition, and then just specifically exempt them from the Youngstar provision?

Let me know if you don't think that will work.

Thanks,

k

---

**From:** Scott.Thornton@Wisconsin.Gov [<mailto:Scott.Thornton@Wisconsin.Gov>]  
**Sent:** Monday, January 14, 2013 2:01 PM  
**To:** Major, Katrina L - DOA  
**Cc:** Thornton, Scott - DOA; Sachse, Diane - DOA; Kraus, Jennifer - DOA  
**Subject:** Allow subsidy payments for out-of-state providers

We have received an LRB draft for DOA Tracking Code: BB0367

LRB Draft Number: 1124/P1

Drafting Attorney: Pamela J. Kahler  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

The document can be found in the Stat Language site on SharePoint.





State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1124/21

PJK:cjs:pa

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DOA:.....Major, BB0367 - Allow subsidy payments for out-of-state providers

**FOR 2013-2015 BUDGET - NOT READY FOR INTRODUCTION**

(in 1-18)

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1 AN ACT ...; relating to: the budget.

*Analysis by the Legislative Reference Bureau*  
**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program. This child care subsidy program is known as Wisconsin Shares. Under current law, a provider that may be paid a subsidy for child care provided under Wisconsin Shares must be licensed or certified by DCF or a child care program established or contracted for by a school board in this state. Counties set the maximum rates at which child care providers who provide services under Wisconsin Shares are reimbursed for their services, subject to review, approval, and modification by DCF. DCF may modify a child care provider's rate on the basis of the provider's quality rating.

This bill provides that an individual who is eligible for a child care subsidy under Wisconsin Shares may use the subsidy for child care that is provided by an out-of-state provider. Under the bill, DCF sets the amount of the subsidy for the care provided by the out-of-state provider on the basis of the provider's quality rating in the provider's home state. Insert A

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 48.651 (1) (intro.) of the statutes is amended to read:

48.651 (1) (intro.) No Except as provided in s. 49.155 (4) (c), no person, other than a child care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive reimbursement for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), by the department in a county having a population of 500,000 or more, a county department, or an agency with which the department contracts under sub. (2). To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.155 (1d), meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2). The department in a county having a population of 500,000 or more, a county department, or an agency contracted with under sub. (2) shall certify the following categories of child care providers:

SECTION 2. 49.155 (4) (c) of the statutes is created to read:

49.155 (4) (c) <sup>1.</sup> Notwithstanding par. (a), <sup>and subject to subd. 2.</sup> an eligible individual may receive a child care subsidy under this section for child care that is provided by an out-of-state provider of child care. Notwithstanding sub. (6), the department shall set the amount of a child care subsidy under this <sup>subdivision</sup> ~~paragraph~~ on the basis of the provider's quality rating in the provider's home state.

\*\*\*\*NOTE: Notice that an out-of-state child care provider would not come under the definition of "child care provider" in s. 49.155 (1) (ag). Therefore, none of the provisions

Insert 2-20

in s. 49.155 that specifically apply to a "child care provider" would apply to an out-of-state provider, including the requirements under sub. (6m) or the penalties under sub. (7m). Is this okay or do you want to address this in some way?

1

(END)

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1124/1ins  
PJK:.....

**INSERT A**

*not* As a condition of payment under Wisconsin Shares, an out-of-state provider must comply with the requirements of Wisconsin Shares that apply to in-state providers, as determined by DCF.

(END OF INSERT A)

**INSERT 2-20**

- 1           2. As a condition of payment under this section for child care services provided  
2   to a child of an individual who is eligible for a subsidy under this section, an  
3   out-of-state provider *is subject to, and* shall comply with the provisions of this section, and rules  
4   promulgated under this section, that apply to a child care provider, as determined  
5   by the department.

(END OF INSERT 2-20)

## Kahler, Pam

---

**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Monday, January 28, 2013 6:21 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** 1124

Hi Pam, we were instructed to change 1124 on subsidy payments for out-of-state providers to be a set reimbursement level at the 3 star/up to the max level. Can you please replace the part that DCF will set the subsidy amount based on their quality rating to instead say at the 3 star level? Thanks



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1124/

PJK:cjs:ff

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DOA:.....Major, BB0367 - Allow subsidy payments for out-of-state providers

**FOR 2013-2015 BUDGET -- NOT READY FOR INTRODUCTION**

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1 AN ACT relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

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rate paid to a provider who

receives a three-star  
receives a three-star

2 <sup>this</sup>  
<sup>this</sup> <sup>which is not more than ~~the~~ maximum payment rate</sup>  
the provider's home state. As a condition of payment under Wisconsin Shares, an out-of-state provider must comply with the requirements of Wisconsin Shares that apply to in-state providers, as determined by DCF.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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4 s. 120.13 (14), may receive reimbursement for providing child care services for an  
5 individual who is determined eligible for a child care subsidy under s. 49.155 unless  
6 the person is certified, according to the standards adopted by the department under  
7 s. 49.155 (1d), by the department in a county having a population of 500,000 or more,  
8 a county department, or an agency with which the department contracts under sub.  
9 (2). To be certified under this section, a person must meet the minimum  
10 requirements for certification established by the department under s. 49.155 (1d),  
11 meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2).  
12 The department in a county having a population of 500,000 or more, a county  
13 department, or an agency contracted with under sub. (2) shall certify the following  
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16 49.155 (4) (c) 1. Notwithstanding par. (a) and subject to subd. 2., an eligible  
17 individual may receive a child care subsidy under this section for child care that is  
18 provided by an out-of-state provider of child care. Notwithstanding sub. (6), the

1 department shall set the amount of a child care subsidy under this subdivision on the  
2 basis of the provider's quality rating in the provider's home state.

3 2. As a condition of payment under this section for child care services provided  
4 to a child of an individual who is eligible for a subsidy under this section, an  
5 out-of-state provider is subject to, and shall comply with, the provisions of this  
6 section, and rules promulgated under this section, that apply to a child care provider,  
7 as determined by the department.

8 (END)

payment rate specified in sub. (6)(e) 3.c  
payment rate specified in sub. (6)(e) 3.c



## Kahler, Pam

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**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Tuesday, February 05, 2013 4:44 PM  
**To:** Kahler, Pam  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** FW: Shares Reimbursement for OOS Providers 1124/2

Hi Pam, sorry one more change from DCF. See highlighted section please. Thanks

---

**From:** Nikolay, Robert A - DCF  
**Sent:** Tuesday, February 05, 2013 3:39 PM  
**To:** Major, Katrina L - DOA  
**Cc:** Kraus, Jennifer - DOA; Mansfield, Mark - DCF; Keys, Randall L - DCF  
**Subject:** RE: Shares Reimbursement for OOS Providers 1124/2

We think the approach to include it ins 49.155(4)c works. We would modify the language, which is a variation on our previous suggestion, to say:

"Notwithstanding sub 6, payments for services provided by out-of-state providers under this paragraph shall be based on the maximum rates applicable in the case county or on the out-of-state provider's actual rates, whichever are lower."

This avoids the payments to out-of-state providers concept.

Bob Nikolay  
Budget Director  
Wisconsin Department of Children & Families  
(608) 261-4349

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r, Katrina L - DOA  
ay, February 05, 2013 3:18 PM  
. Robert A - DCF  
ennifer - DOA; Mansfield, Mark - DCF; Keys, Randall L - DCF  
RE: Shares Reimbursement for OOS Providers 1124/2

Is there anything wrong with the current structure of the draft...ie, why would it have to be in 49.155(6)e6?

The drafter could modify the second sentence of 49.155(4)c to say "Notwithstanding sub 6, the department shall make payments to out-of-state providers will be based on the maximum rates applicable in the case county or on the out-of-state provider's actual rates, whichever are lower."

Wouldn't we want to avoid the language "payments to out-of-state providers" because of the parent pay concept?

What do you think?

---

**From:** Nikolay, Robert A - DCF  
**Sent:** Tuesday, February 05, 2013 3:11 PM  
**To:** Major, Katrina L - DOA  
**Cc:** Kraus, Jennifer - DOA; Mansfield, Mark - DCF; Keys, Randall L - DCF  
**Subject:** RE: Shares Reimbursement for OOS Providers 1124/2

We recommended creating a s. 49.155 (6) (e) 6. that would read:

"The provisions of this paragraph do not apply to payments made to an out-of-state provider. Payments to out-of-state providers will be based on the maximum rates applicable in the case county or on the out-of-state provider's actual rates, whichever are lower."

Bob Nikolay  
Budget Director  
Wisconsin Department of Children & Families  
(608) 261-4349

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r, Katrina L - DOA  
ay, February 05, 2013 3:05 PM  
. Robert A - DCF  
Jennifer - DOA; Mansfield, Mark - DCF  
RE: Shares Reimbursement for OOS Providers 1124/2

What would you want it to say? "shall set the amount of a child care subsidy under this subdivision at the maximum payment rate"?

---

**From:** Nikolay, Robert A - DCF  
**Sent:** Tuesday, February 05, 2013 2:56 PM  
**To:** Major, Katrina L - DOA  
**Cc:** Kraus, Jennifer - DOA; Mansfield, Mark - DCF  
**Subject:** Shares Reimbursement for OOS Providers 1124/2

We have a concern about this latest draft. Our desire is for the provider to be paid the maximum rate for the case (home) county of the person eligible, which is what the draft would accomplish. However, by stating in the statute that they will be paid at the 3-star rate, it implies that we are actually assigning a rating when, in fact, these providers will not be rated. The concern is that in-state providers (especially 2-star) could ask why the OOS providers are getting assigned a 3-star rate when they have not gone through the rating process and are not eligible for YoungStar.

Bob Nikolay  
Budget Director  
Wisconsin Department of Children & Families  
(608) 261-4349

## Kahler, Pam

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**From:** Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>  
**Sent:** Wednesday, February 06, 2013 8:47 AM  
**To:** Kahler, Pam  
**Subject:** FW: oos shares

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**From:** Nikolay, Robert A - DCF  
**Sent:** Wednesday, February 06, 2013 8:20 AM  
**To:** Major, Katrina L - DOA  
**Subject:** RE: oos shares

That should work.

Bob Nikolay  
Budget Director  
Wisconsin Department of Children & Families  
(608) 261-4349

---

**From:** Major, Katrina L - DOA  
**Sent:** Tuesday, February 05, 2013 5:15 PM  
**To:** Nikolay, Robert A - DCF  
**Cc:** Kraus, Jennifer - DOA  
**Subject:** oos shares

Can Pam substitute "county in which the eligible individual resides" for "case county"? Is that what is meant by "case county"? Thanks



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1124/3

PJK:cjs:ph

stays rm is run

DOA:.....Major, BB0367 – Allow subsidy payments for out-of-state providers

**FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION**

(in 2-6)

NOT  
do not  
agreed

put

1 AN ACT *relating to:* the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**WISCONSIN WORKS**

The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program. This child care subsidy program is known as Wisconsin Shares. Under current law, a provider that may be paid a subsidy for child care provided under Wisconsin Shares must be licensed or certified by DCF or a child care program established or contracted for by a school board in this state. Counties set the maximum rates at which child care providers who provide services under Wisconsin Shares are reimbursed for their services, subject to review, approval, and modification by DCF. DCF may modify a child care provider's rate on the basis of the provider's quality rating.

This bill provides that an individual who is eligible for a child care subsidy under Wisconsin Shares may use the subsidy for child care that is provided by an out-of-state provider. Under the bill, DCF sets the amount of the subsidy for the care provided by the out-of-state provider on the basis of the rate paid to a provider who

rate at which

is paid

maximum

in the county in which <sup>the</sup> eligible individual resides or the  
out-of-state provider's actual rate, whichever is lower

~~receives a three-star quality rating in this state, which is not more than the maximum payment rate.~~ As a condition of payment under Wisconsin Shares, an out-of-state provider must comply with the requirements of Wisconsin Shares that apply to in-state providers, as determined by DCF.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 48.651 (1) (intro.) of the statutes is amended to read:

48.651 (1) (intro.) No Except as provided in s. 49.155 (4) (c), no person, other than a child care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive reimbursement for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), by the department in a county having a population of 500,000 or more, a county department, or an agency with which the department contracts under sub. (2). To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.155 (1d), meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2). The department in a county having a population of 500,000 or more, a county department, or an agency contracted with under sub. (2) shall certify the following categories of child care providers:

SECTION 2. 49.155 (4) (c) of the statutes is created to read:

49.155 (4) (c) 1. Notwithstanding par. (a) and subject to subd. 2., an eligible individual may receive a child care subsidy under this section for child care that is provided by an out-of-state provider of child care. Notwithstanding sub. (6), ~~the~~

1 department shall set the amount of a child care subsidy under this subdivision on the  
2 basis of the payment rate specified in sub. (6) (e) 3. *φ → insert 3-2*

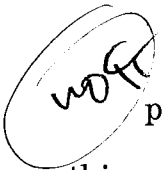
3 2. As a condition of payment under this section for child care services provided  
4 to a child of an individual who is eligible for a subsidy under this section, an  
5 out-of-state provider is subject to, and shall comply with, the provisions of this  
6 section, and rules promulgated under this section, that apply to a child care provider,  
7 as determined by the department.

8 (END)

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1124/3ins  
PJK:.....

**INSERT 3-2**

1  payments for child care services provided by an out-of-state provider under  
2 this subdivision shall be based on the maximum rate applicable in the county in  
3 which the eligible individual resides or on the out-of-state provider's actual rate,  
4 whichever is lower ✓

**(END OF INSERT 3-2)**



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1124/2  
PJK:cjs:ph

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rmis run

DOA:.....Major, BB0367 – Allow subsidy payments for out-of-state providers

**FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION**

(in 2-13)  
D-note  
sep 2

do not  
gov cont

1 AN ACT; relating to: the budget.

*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

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The Wisconsin Works (W-2) program under current law, which is administered by DCF, provides work experience and benefits for low-income custodial parents who are at least 18 years old. Also, an individual who is the parent of a child under the age of 13 or, if the child is disabled, under the age of 19, who needs child care services to participate in various educational or work activities, and who satisfies other eligibility criteria may receive a child care subsidy for child care services under the W-2 program. This child care subsidy program is known as Wisconsin Shares. Under current law, a provider that may be paid a subsidy for child care provided under Wisconsin Shares must be licensed or certified by DCF or a child care program established or contracted for by a school board in this state. Counties set the maximum rates at which child care providers who provide services under Wisconsin Shares are reimbursed for their services, subject to review, approval, and modification by DCF. DCF may modify a child care provider's rate on the basis of the provider's quality rating.

This bill provides that an individual who is eligible for a child care subsidy under Wisconsin Shares may use the subsidy for child care that is provided by an out-of-state provider. Under the bill, DCF sets the rate at which the out-of-state provider is paid on the basis of the maximum rate paid to a provider in the county



in which the eligible individual resides or the out-of-state provider's actual rate, whichever is lower. As a condition of payment under Wisconsin Shares, an out-of-state provider must comply with the requirements of Wisconsin Shares that apply to in-state providers, as determined by DCF.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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48.651 (1) (intro.) No Except as provided in s. 49.155 (4) (c), no person, other than a child care center licensed under s. 48.65 or established or contracted for under s. 120.13 (14), may receive ~~reimbursement~~ <sup>→ payment</sup> for providing child care services for an individual who is determined eligible for a child care subsidy under s. 49.155 unless the person is certified, according to the standards adopted by the department under s. 49.155 (1d), by the department in a county having a population of 500,000 or more, a county department, or an agency with which the department contracts under sub. (2). To be certified under this section, a person must meet the minimum requirements for certification established by the department under s. 49.155 (1d), meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2). The department in a county having a population of 500,000 or more, a county department, or an agency contracted with under sub. (2) shall certify the following categories of child care providers:

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Insert 2-14

1 subdivision shall be based on the maximum rate applicable in the county in which  
2 the eligible individual resides or on the out-of-state provider's actual rate,  
3 whichever is lower.

4 2. As a condition of payment under this section for child care services provided  
5 to a child of an individual who is eligible for a subsidy under this section, an  
6 out-of-state provider is subject to, and shall comply with, the provisions of this  
7 section, and rules promulgated under this section, that apply to a child care provider,  
8 as determined by the department.

9 (END)

*D-note*

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1124/4ins  
PJK:.....

*Y m is run*

**INSERT 2-14**

\*\*\*\*NOTE: This is reconciled s. 48.651 (1) (intro.). This SECTION has been affected by drafts with the following LRB numbers: LRB-0903/2 and LRB-1124/3. ✓

**(END OF INSERT 2-14)**

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-1124/4<sup>4</sup>dn

PJK:V/...

h m is run  
WJ

Date

This draft reconciles LRB-0903/2 and LRB-1124/3. Both of these drafts should continue to appear in the compiled bill.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1124/4dn  
PJK:wlj:rs

February 13, 2013

This draft reconciles LRB-0903/2 and LRB-1124/3. Both of these drafts should continue to appear in the compiled bill.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1124/4  
PJK:cjs&wlj:rs

DOA:.....Major, BB0367 – Allow subsidy payments for out-of-state providers

**FOR 2013-2015 BUDGET – NOT READY FOR INTRODUCTION**

1 **AN ACT ...; relating to: the budget.**

---

*Analysis by the Legislative Reference Bureau*

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in which the eligible individual resides or the out-of-state provider's actual rate, whichever is lower. As a condition of payment under Wisconsin Shares, an out-of-state provider must comply with the requirements of Wisconsin Shares that apply to in-state providers, as determined by DCF.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 48.651 (1) (intro.) of the statutes is amended to read:

2           48.651 (1) (intro.) No Except as provided in s. 49.155 (4) (c), no person, other  
3           than a child care center licensed under s. 48.65 or established or contracted for under  
4           s. 120.13 (14), may receive ~~reimbursement~~ payment for providing child care services  
5           for an individual who is determined eligible for a child care subsidy under s. 49.155  
6           unless the person is certified, according to the standards adopted by the department  
7           under s. 49.155 (1d), by the department in a county having a population of 500,000  
8           or more, a county department, or an agency with which the department contracts  
9           under sub. (2). To be certified under this section, a person must meet the minimum  
10          requirements for certification established by the department under s. 49.155 (1d),  
11          meet the requirements specified in s. 48.685, and pay the fee specified in sub. (2).  
12          The department in a county having a population of 500,000 or more, a county  
13          department, or an agency contracted with under sub. (2) shall certify the following  
14          categories of child care providers:

          \*\*\*\*NOTE: This is reconciled s. 48.651 (1) (intro.). This SECTION has been affected  
by drafts with the following LRB numbers: LRB-0903/2 and LRB-1124/3.

15          **SECTION 2.** 49.155 (4) (c) of the statutes is created to read:

16          49.155 (4) (c) 1. Notwithstanding par. (a) and subject to subd. 2., an eligible  
17          individual may receive a child care subsidy under this section for child care that is  
18          provided by an out-of-state provider of child care. Notwithstanding sub. (6),

1     payments for child care services provided by an out-of-state provider under this  
2     subdivision shall be based on the maximum rate applicable in the county in which  
3     the eligible individual resides or on the out-of-state provider's actual rate,  
4     whichever is lower.

5             2. As a condition of payment under this section for child care services provided  
6     to a child of an individual who is eligible for a subsidy under this section, an  
7     out-of-state provider is subject to, and shall comply with, the provisions of this  
8     section, and rules promulgated under this section, that apply to a child care provider,  
9     as determined by the department.

10                             **(END)**